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DEC 02 2009

OFFICE OF PETITIONS

In re Application of :
Michael Bleser et al :
Application No. 09/715,872 : DECISION ON PETITION
Filed: November 15, 2000 :
Attorney Docket No. 29488/36478 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and previously filed amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed November 14, 2008, is accepted as having been unintentionally delayed.

Petitioner states that: "The attorney for Applicant contacted the Petitions Examiner and was informed that item (1) was indicted because the fee for the RCE was not paid and that a renewed petition would be granted if the RCE fee was paid". Not so, an RCE had not been submitted prior to the mailing of the decision on September 3, 2009. Item (1) was indicated because no amendment *prima facie* placing the application in condition for allowance or Notice of Appeal (and appeal fee) was timely filed. This was noted in the decision and advisory action mailed September 3, 2009. The amendment filed May 14, 2009, did not place the application in condition for allowance. Had an RCE and fee been filed with the petition on June 16, 2009, then, it would have been accepted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3626 for appropriate action by the Examiner in the normal course of business on the reply received October 19, 2009 and the previously filed amendment on May 14, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions